

## Senate proposal of amendment

### H. 458

An act relating to automatic voter registration through motor vehicle driver's license applications

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2145a is amended to read:

#### § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

(a) An application for, or renewal of, a motor vehicle driver's license or nondriver identification card shall serve as a simultaneous application to register to vote unless the applicant ~~declines to sign the voter registration portion of the application~~ checks the box on the application designating that he or she declines to use the application as a voter registration application.

(b)(1) ~~The voter registration portion of the~~ A motor vehicle driver's license or nondriver identification card application shall provide and request the following information ~~required to be provided under section 2145 of this chapter~~ and shall be in the form approved by the Secretary of State:

(A) The applicant's citizenship.

(B) The applicant's place and date of birth.

(C) The applicant's town of legal residence.

(D) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(E) The voter's oath.

(F) The applicant's e-mail address, which shall be optional to provide.

(2) A motor vehicle driver's license or nondriver identification card application shall provide the following statements:

(A) "By signing and submitting this application, you are authorizing the Department of Motor Vehicles to transmit this application to the Secretary of State for voter registration purposes. YOU MAY DECLINE TO REGISTER. Both the office through which you submit this application and your decision of whether or not to register will remain confidential and will be used for voter registration purposes only."

(B) “In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter’s oath; and (4) be 18 years of age or older. Any person meeting the requirements of (1)–(3) who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election. Failure to decline to register is an attestation that you meet the requirements to vote.”

(3) A motor vehicle driver’s license or nondriver identification card application shall provide the penalties provided by law for submission of a false voter registration application and shall require the signature of the applicant, under penalty of perjury.

\* \* \*

(d)(1) The Department of Motor Vehicles shall transmit ~~voter registration~~ motor vehicle driver’s license and nondriver identification card applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the date of any primary or general election, whichever is sooner.

(2) The Department of Motor Vehicles shall not transmit motor vehicle driver’s license and nondriver identification card applications when the applicant has designated that he or she declines to be registered.

(3) The Department of Motor Vehicles shall ensure confidentiality of records as required by subdivision (b)(2)(A) of this section.

\* \* \*

(f) In transmitting applications received under this section, the Secretary shall ensure compliance with the requirements of 15 V.S.A. chapter 21, subchapter 3.

(g) If a person who is ineligible to vote becomes registered to vote pursuant to this section in the absence of a violation of subsection 2145(f) of this chapter, that person’s registration shall be presumed to have been effected with official authorization and not the fault of that person.

(h) The Secretary shall take appropriate measures to educate the public about voter registration under this section.

Sec. 2. 17 V.S.A. § 2145 is amended to read:

#### § 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the Federal Election Commission or by the Secretary of State. The application form approved by the Secretary shall include:

\* \* \*

(2) The voter's oath ~~and a space for a person administering the voter's oath to another to execute the written notification required by section 2124 of this title.~~

\* \* \*

(4) The following statements:

(A) "If you were ~~provided with this form when you applied for, or renewed, a motor vehicle driver's license or were~~ provided with this application form by a voter registration agency, you may decline to register. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes."

(B) "If you are submitting this application ~~in connection with a motor vehicle driver's license application, or renewal,~~ or through a voter registration agency, the office through which you submitted this application will remain confidential and will be used only for voter registration purposes."

(5) ~~The following statement on applications provided by the Department of Motor Vehicles: "Keep this receipt and take it to the polls when you go to vote. This is proof you submitted an application for registration." [Repealed.]~~

\* \* \*

(f) A person who makes a false statement in completing a voter registration application form or the voter registration portion of an application for a motor vehicle driver's license or nondriver identification card knowing the statement to be false shall be subject to the penalties of perjury as provided in 13 V.S.A. § 2901, except that a person who is not eligible to register to vote and who otherwise completes the application accurately shall not be considered to have made a false statement under this subsection by his or her unintentional failure to decline to register on a motor vehicle driver's license or nondriver identification card application under section 2145a of this chapter.

\* \* \*

Sec. 3. 17 V.S.A. § 2124 is amended to read:

§ 2124. VOTER'S OATH OR AFFIRMATION; HOW ADMINISTERED;  
APPLICATION

\* \* \*

(b) ~~A person who administers the voter's oath or affirmation to another shall forthwith sign the appropriate place on the application or sign some other written notification giving the person's name and the date the oath or affirmation was administered. [Repealed.]~~

(c) At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the

general election cycle that follows the one in which the application was received. ~~If the written notification that a person has taken the oath or affirmation is submitted separately from the application, it shall be filed along with the application.~~ The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

Sec. 4. 17 V.S.A. § 2144a is amended to read:

§ 2144a. REGISTRATION

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license or nondriver identification card as provided in section 2145a of this chapter.

\* \* \*

Sec. 5. 23 V.S.A. § 603(a)(4) is added to read:

(4) Any new or renewal application form shall provide for and request the information required in 17 V.S.A. § 2145a.

Sec. 6. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

\* \* \*

(31) Records of a registered voter's month and day of birth, motor vehicle operator's license number, and the last four digits of the applicant's Social Security number contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154 or the failure to register to vote under 17 V.S.A. § 2145a.

\* \* \*

Sec. 7. SECRETARY OF STATE; STUDY

The Secretary of State shall consult with the Office of the Attorney General to examine ways in which to register persons 16 years of age who will be 18 years of age on or before the next general election. The Secretary of State shall issue a report to the Senate and House Committees on Government Operations on or before January 15, 2017.

Sec. 7a. 17 V.S.A. § 2546a is added to read:

§ 2546a. DAY PRECEDING ELECTION; DEPOSIT OF EARLY VOTER  
ABSENTEE BALLOTS IN VOTE TABULATOR

(a) Generally. Notwithstanding any provision of law to the contrary, if a town will be using a vote tabulator for the registering and counting of votes in the upcoming election and will check in early voter absentee ballots in accordance with subsection 2546(a) of this chapter for that election, the board of civil authority may vote to permit elections officials to deposit those early voter absentee ballots into the vote tabulator in accordance with the provisions of this section. This depositing of these ballots shall take place at the town clerk's office on the day preceding the election.

(b) Notice.

(1) If a board of civil authority votes to deposit ballots as described in subsection (a) of this section, the town clerk shall post notice that ballots will be so deposited in at least two public places in the municipality and in or near the town clerk's office not less than 30 nor more than 40 days before the election. If a municipality has more than one polling place and the polling places are not all in the same building, the notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.

(2) In addition, at least five days before the day preceding the election, the notice shall be published in a newspaper of general circulation in the municipality and on the municipality's website, if the municipality actively updates its website on a regular basis.

(3) The notice shall include the date and time for the count, inspection, and depositing of the ballots and the location of the town clerk's office.

(c) Officials. The town clerk and at least two other election officials, from different political parties to the extent practicable, shall be present for the inspection of the sealed certificate envelopes and the processing of the ballots described in this section.

(d) Count and inspection. On the day preceding the election, at least one hour prior to depositing the ballots in the vote tabulator, the town clerk and the election officials shall:

(1) first open the secure container marked "checked in early voter absentee ballots," count the sealed certificate envelopes containing those ballots, and record the number counted; and

(2) permit these sealed certificate envelopes to be inspected by members of the public.

(e) Processing.

(1) Immediately after the expiration of the period for the count and inspection described in subsection (d) of this section, the town clerk and election officials shall open each sealed certificate envelope containing an early voter absentee ballot and deposit each ballot into a vote tabulator.

(2) The town clerk and the election officials shall ensure that all procedures for handling ballots are followed to the fullest extent practicable.

(3) At the end of the processing, the town clerk shall verify that the vote tabulator's memory card is locked in place and shall sign a statement verifying how many early voter absentee ballots were counted by the vote tabulator and that the memory card is so locked. The town clerk shall compare the vote tabulator's number of counted ballots to the original count of those ballots described in subsection (d) of this section.

(f) Security. The town clerk shall otherwise comply with all provisions of this title relating to the security of the vote tabulator.

(g) Election day. On the day of the election, when the vote tabulator is turned on at the polling place, the town clerk shall verify that the number of ballots that the vote tabulator displays as having been counted matches the number that the town clerk verified the tabulator counted on the preceding day.

(h) Rules. The Secretary of State may adopt rules to implement the provisions of this section.

#### Sec. 8. EFFECTIVE DATES

(a) This section and Sec. 7 (secretary of state study) shall take effect on passage.

(b) Sec. 7a, 17 V.S.A. § 2546a, shall take effect on January 1, 2017.

(c) The remainder of the act shall take effect on July 1, 2017.